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SPECIAL POLITICAL AND
DECOLONIZATION COMMITTEE
(FOURTH COMMITTEE)
5th meeting
held on
Wednesday, 11 October 1995
at 10 a.m.
New York

SUMMARY RECORD OF THE 5th MEETING

Chairman: Mr. MUTHAURA (Kenya)

CONTENTS

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items) (continued)

Hearing of petitioner

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items) (continued)*

AGENDA ITEM 88: INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS (continued)*

AGENDA ITEM 89: ACTIVITIES OF FOREIGN ECONOMIC AND OTHER INTERESTS WHICH IMPEDE THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES IN TERRITORIES UNDER COLONIAL DOMINATION (continued)*

AGENDA ITEM 90: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES BY THE SPECIALIZED AGENCIES AND THE INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS (continued)*

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)*

AGENDA ITEM 91: OFFERS BY MEMBER STATES OF STUDY AND TRAINING FACILITIES FOR INHABITANTS OF NON-SELF-GOVERNING TERRITORIES (continued)*

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* Items considered together.

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The meeting was called to order at 10.25 a.m.

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items) (continued) (A/50/23 (Part V, chap. IX, Part VI, chap. X); A/AC.109/2012, 2013 and Corr.1 and Add.1, 2014, 2015 and Add.1, 2016 and Add.1, 2017 and Add.1, 2018, 2019 and Add.1, 2020 and Add.1, 2021-2023, 2025, 2028, 2029 and Add.1, 2030; S/1995/240 and Add.1, 404, 779)

Hearing of petitioner

Question of Western Sahara (A/C.4/50/4/Add.2)

1. Mr. CORELL (Legal Counsel)*, in accordance with the decision taken at the previous meeting, delivered a legal opinion regarding the request for a hearing by Mr. Frank Ruddy contained in document A/C.4/50/4/Add.2.

2. In order to deliver an opinion on that question, it had been necessary to study one of the Staff Regulations which belonged to the set of rules adopted by the General Assembly to govern the fundamental conditions of service and the basic rights, duties and obligations of the staff of the Secretariat of the United Nations.

The provisions of Staff Regulation 1.5 read as follows:

> "Staff members shall exercise the utmost discretion in regard to all matters of official business. They shall not communicate to any person any information known to them by reason of their official position that has not been made public, except in the course of their duties or by authorization of the Secretary-General. Nor shall they at any time use such information to private advantage. These obligations do not cease upon separation from the Secretariat."

3. The Secretary-General had noted that Mr. Ruddy's request sought to make a presentation by virtue of his former position as a senior staff member of the United Nations serving as Deputy Chairman of the Identification Commission of the United Nations Observer Mission for the Referendum in Western Sahara (MINURSO), and that the topic of the presentation related to the peace-keeping mission to which he was assigned. It was therefore clear to the Secretary-General that the request was inextricably linked to Mr. Ruddy's former responsibilities as a MINURSO staff member and to material and/or knowledge that was not publicly available. Incidentally, materials on MINURSO activities were widely available in official documents of the Security Council and the General Assembly.

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* This statement has been given full coverage in the summary record in accordance with the request made by the Chairman.

4. The Secretary-General had evaluated Mr. Ruddy's request in the light of those considerations and had concluded that he was not prepared to authorize Mr. Ruddy, a former senior staff member, to address a Committee of the Assembly on the precise area on which he had previously worked, and upon which experience he would obviously draw. As a matter of principle, the Secretary-General presented the official views of the Secretariat to United Nations organs and bodies and did not authorize staff members, current or past, to present personal impressions, opinions or experiences to those bodies. Staff Regulation 1.5 had authorized him to make such a decision.

5. In view of that decision, Mr. Ruddy's appearance at the invitation of the Committee would constitute a violation of Staff Regulation 1.5 by him. The Secretary-General was confident that the Chairman of the Fourth Committee and its members would consider the matter in the light of the foregoing and in the light of the need to uphold Staff Regulations enacted by the General Assembly.

6. Mr. ZAHID (Morocco) thanked the Legal Counsel and the Secretary-General for their attention to the question of Mr. Frank Ruddy's participation as a petitioner in the Committee's work. He was satisfied by the recommendation of the Legal Counsel and said that his country's position on the question was to endorse the Staff Regulations, in particular Regulation 1.5, which stemmed directly from the Charter of the United Nations. In that connection his delegation intended to vote against any proposal, including the Algerian proposal, that would lead to a violation of the Staff Regulations adopted by the General Assembly. The Secretary-General's recommendation not to allow Mr. Frank Ruddy to present his testimony to the Committee had been formulated on the basis of Article 100, paragraph 1 of the Charter. Algeria's proposal was inconsistent with the Charter. He was confident that every delegation would vote against any such proposal. By voting against it, States would ensure a victory for legality, show their respect for the Secretary-General and thus support the efforts he was making in the interests of peace and development.

7. He recalled that Mr. Ruddy had worked in the United Nations as Deputy Chairman of the Identification Commission of MINURSO. As indicated in the report of the Office of Internal Oversight Services on investigation of the allegations of irregularities and mismanagement (A/49/884, para. 34), Mr. Ruddy's complaints had been triggered primarily by frustration as a result of non-extension of contract and personal animosity. It was those feelings which had impelled him to make damaging allegations against MINURSO. With regard to Mr. Eric Jensen, he cited the report's conclusions that "the present Deputy Special Representative is held in high esteem, and his negotiating skills, as well as his credibility with the parties, were generally well appreciated" (ibid., para. 34). Therefore, in view of the clear-cut nature of the facts, he urged the Algerian delegation to withdraw its demand that Mr. Ruddy should be allowed to speak to the Committee.

8. Mr. LAMAMRA (Algeria) asked the Legal Counsel whether in the history of the main organs of the General Assembly there were any precedents for reaching a decision in similar circumstances where for one reason or another a former United Nations official had been denied the opportunity to speak to members of a Committee. It would be interesting to learn whether his statement confirmed any earlier decisions made by a main organ of the General Assembly in a similar

situation, or whether it was the first time in the history of the Organization that Regulation 1.5 of the Staff Regulations had been cited. The Legal Counsel should also indicate whether disciplinary proceedings had been initiated against any serving or former staff member in the United Nations Administrative Tribunal in respect of a violation of Regulation 1.5 of the Staff Regulations. He would also appreciate further details on the procedures used by the United Nations Secretariat in granting permission to its officials to state their opinions to other natural or legal persons, and whether those procedures had been applied in the present instance, when Mr. Ruddy had presented his testimony to a subcommittee of the United States Senate. In addition, Regulation 1.5 of the Staff Regulations mentioned information which had not been made public. He was unsure whether the contents of the Secretary-General's periodic reports on the activities of MINURSO could be regarded as publicly available information.

9. Mr. CORELL (Legal Counsel) said that all the questions raised by the representative of Algeria would be reflected in the summary record. He stressed that when it prepared legal opinions, the Office of Legal Affairs carried out a great deal of research and carefully took into account all relevant aspects.

10. Mr. LAMAMRA (Algeria) said that the members of the Committee had to take a decision which was important in many ways. It would affect legal aspects of the Committee's work, the rights of staff members of the United Nations, and the prestige of the United Nations, and in particular the attitude towards the United Nations of the public of the United States of America, since the issue involved a United States national who had represented his country in MINURSO.

11. Since Mr. Ruddy had been both a representative of the United States of America and Deputy Chairman of the Identification Commission at MINURSO there was no reason to assume that he planned to speak in the Committee as a staff member of the United Nations, and not as a representative of his country. The Committee must take a decision on the basis not of selective facts drawn from a few documents, but of good will and common sense. Accordingly, Mr. Ruddy must be given an opportunity to present his views to the members of the Committee.

12. The legal opinion provided orally by the Office of Legal Affairs did not accord with the normal practice for such opinions, particularly since such opinions normally included references to precedents, and in the case in question there were no such references, since there were no precedents. Moreover, the Office of Legal Affairs had never before taken the position of one of the sides on a given question. It should not play the role of judge, since that role could only be played by the Committee itself. In taking a decision on the question the Committee should, in the view of his delegation, take into account three aspects: legal, ethical and political. In the legal opinion, however, there were only legal aspects.

13. For example, the representative of the Secretariat had referred in the legal opinion to regulation 1.5 of the Staff Regulations. That regulation should be understood in the context of the obligation of staff members to conduct themselves solely in accordance with the interests of the United Nations. The regulation was concerned with the United Nations as a whole, i.e. all its organs including the General Assembly, which had in fact adopted the Staff Regulations and took decisions on mandates and programmes. The General

Assembly was in no way an organ apart from the Secretariat, since the Secretariat served the collective interests of States Members of the United Nations. It was therefore impossible for a requirement to exercise discretion to be applied to the detriment of the interests of a principal organ of the United Nations like the General Assembly. That was an unfortunate mistake which could give rise to the idea that the Secretariat could have secrets from the General Assembly, even though that assumption was absurd and highly undesirable. The Staff Regulations determined the conditions of service of the staff members of the Organization and could not be used to regulate relations between principal organs of the United Nations and staff members of the Secretariat. Instead, those relations must be regulated by the rules of procedure and the practice of the organs concerned. There were many General Assembly resolutions, including General Assembly resolutions which had been recommended for adoption by the Committee itself, calling upon any persons with information that was important for the consideration of questions of decolonization to provide such information to the Committee and/or the Special Committee on decolonization. Moreover, there were dozens of precedents in the 1970s and 1980s when former staff members of the United Nations had given testimony in one of the Main Committees of the General Assembly on the question of Namibia. That was precisely what he had had in mind in asking the Legal Counsel whether the Secretariat had checked for similar cases in preparing its opinion.

14. Furthermore, the practice of hearing staff members of the Secretariat, including former staff members, was followed by the Security Council and was reflected in its provisional rules of procedure, in particular in rule 39. He noted that the Security Council was never concerned with what post had been occupied or was occupied by a staff member invited to supply it with information. There was no reason why the General Assembly should be less flexible than the Security Council.

15. Reverting to regulation 1.5 of the Staff Regulations, he said that it was concerned with unpublished information, but in the current case there was so much information about Western Sahara in various publications and materials from the work of numerous bodies that were available to the press that even a petitioner who had never worked in MINURSO and had never been to Western Sahara could quite competently speak on the question without using any unpublished information.

16. From the ethical point of view, regulation 1.5 of the Staff Regulations could not be interpreted as a kind of "gag rule", since that was incompatible with the lofty goals to which the United Nations aspired. If the regulation was followed literally, the President of the Staff Union of the United Nations, who was a current staff member, would not be able to present the staff's position in the Fifth Committee, although that practice was followed all the time.

17. As to the political aspect, there was no doubt that the members of the Committee did not have all the necessary information about the situation in Western Sahara, in respect of which the Committee had special responsibility towards the international community and the people of that Territory, who must be ensured the right of self-determination. The Special Committee on decolonization, which every year sent a large number of missions to Non-Self-Governing Territories throughout the world, had last sent a mission to Western

Sahara in 1975. However, the truth could not be hidden, and it would become known. The truth was being revealed by Human Rights Watch, the European Parliament, journalists of the most varied viewpoints, and current and former members of MINURSO. In his view, the Secretariat should not give the impression that the current case involved some kind of secret information and try to erect a wall of silence around Western Sahara. In conclusion, he requested that the question of allowing Mr. Ruddy to speak in the Committee as a petitioner should be put to the vote.

18. At the request of the representative of Algeria, a recorded vote was taken on the question of hearings (document A/C.4/50/4/Add.2).

In favour: Algeria, Antigua and Barbuda, Bolivia, Brazil, Burundi, Cameroon, Cape Verde, Chile, Cuba, Ethiopia, Ghana, Haiti, Honduras, Kenya, Lesotho, Mexico, Mozambique, Namibia, Nicaragua, Niger, Panama, Papua New Guinea, Paraguay, Samoa, South Africa, Uganda, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Zambia.

Against: Australia, Austria, Belgium, Canada, Côte d'Ivoire, Denmark, Djibouti, Fiji, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kuwait, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malta, Morocco, Netherlands, New Zealand, Norway, Portugal, Romania, Russian Federation, Saudi Arabia, Senegal, Spain, Sweden, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Zaire.

Abstaining: Afghanistan, Angola, Argentina, Bahamas, Barbados, Botswana, Brunei Darussalam, Indonesia, Jamaica, Malaysia, Myanmar, Nigeria, Peru, Philippines, Singapore, Swaziland, Thailand, Togo, Trinidad and Tobago, Turkey.

19. The proposal was rejected by 38 votes to 32, with 20 abstentions.

20. Mr. COUNTRYMAN (United States of America) said that, taking into account the past practice of the Committee, which had always given petitioners an opportunity to speak, and considering that Mr. Ruddy had already spoken on the question in various open forums, his delegation felt that it would be in the interests of the Organization to give Mr. Ruddy an opportunity to speak before the Committee as a petitioner.

21. Mr. PEREZ-GRIFFO (Spain), speaking on behalf of the member States of the European Union, said that since Mr. Ruddy had not received authorization from the Secretary-General, as provided in the Staff Regulations, his delegation had decided to be guided by the legal opinion and vote against the proposal, so as to avoid violating the Staff Regulations. Nevertheless, the European Union and its member States did not want the decision to be regarded as a precedent.

22. Mr. JELE (South Africa) said that his delegation attached great importance to the implementation of the democratic principle of freedom of speech and noted

that in the past private individuals had spoken as petitioners on questions relating to South Africa.

23. Ms. MAWHINNEY (Canada) said that, although her country attached great importance to the exercise of freedom of expression, she felt that it was necessary in the case in question to agree with the opinion of the Legal Counsel.

24. Mr. ZAHID (Morocco) thanked the members of the Committee for the balanced and exceptionally serious approach to the question which was just voted on. The results of the vote once again confirmed the fact that Member States attached the highest importance to maintaining the prestige of both the United Nations as a whole and its Secretary-General.

25. Ms. CORAYANIDES (Australia) said that her delegation, like many others, had faced a difficult choice and had voted against the proposal by Algeria only because it was necessary to avoid infringing the Staff Regulations in the situation under consideration.

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not already covered by other items) (continued) (A/50/23 (Part V), chap. IX, and (Part VI), chap. X; A/AC.109/2012, 2013 and Corr.1 and Add.1, 2014, 2015 and Add.1, 2016 and Add.1, 2017 and Add.1, 2018, 2019 and Add.1, 2020 and Add.1, 2021-2023, 2025, 2028, 2029 and Add.1, 2030; S/1995/240 and Add.1, 404 and 779)

AGENDA ITEM 88: INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS (continued) (A/50/23 (Part IV), chap. VIII, A/50/458)

AGENDA ITEM 89: ACTIVITIES OF FOREIGN ECONOMIC AND OTHER INTERESTS WHICH IMPEDE THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES IN TERRITORIES UNDER COLONIAL DOMINATION (continued) (A/50/23 (Part III), chap. V)

AGENDA ITEM 90: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES BY THE SPECIALIZED AGENCIES AND THE INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS (continued) (A/50/23 (Part IV), chap. VII, A/50/212 and Add.1; A/AC.109/L.1838; E/1995/85)

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/50/3, chap. V, sect. C)

AGENDA ITEM 91: OFFERS BY MEMBER STATES OF STUDY AND TRAINING FACILITIES FOR INHABITANTS OF NON-SELF-GOVERNING TERRITORIES (continued) (A/50/481)

26. Mr. ODHIAMBO (Kenya) referring to the question of Western Sahara, recalled the settlement plan drawn up by the United Nations in cooperation with the Organization of African Unity (OAU) and with the agreement of Morocco and the Frente POLISARIO, as well as Security Council resolutions 658 (1990) and 809 (1993). Although voter registration had been lagging and not much progress had been made in the recent past, Kenya strongly believed that the withdrawal of

MINURSO would only worsen the dispute between the parties. In that connection, his delegation urged the Security Council to continue to renew the mandate of MINURSO until the desired objective was achieved.

27. Mr. PHANIT (Thailand) said that, in the decolonization process, there was no alternative to the principle of self-determination and reaffirmed that Thailand believed in the legitimacy of all options for self-determination consistent with General Assembly resolutions 1514 (XV) and 1541 (XV). However, it was also important to be flexible and realistic in efforts to complete the process of decolonization. Convinced that the decolonization process must combine appropriate political measures with effective economic development efforts, Thailand believed that, in order to ensure the right to self-determination, it was necessary to promote balanced economic development to achieve a certain level of self-sufficiency. At the same time, education and human-centred development were also crucial to the full realization of decolonization. Consequently, his country stood ready to furnish assistance at the request of Non-Self-Governing Territories through the Thai International Cooperation Programme, which provided educational and technical assistance to several developing countries.

28. He underscored the importance of disseminating and obtaining information from the Non-Self-Governing Territories, as provided for under Article 73 e of the Charter. In that regard, Thailand urged the United Nations to dispatch visiting missions to those Territories to obtain first-hand information, which would be useful in facilitating the decolonization process.

29. Mr. MARTINS FELICIO (Brazil) recalled that the United Nations International Decade for the Eradication of Colonialism was under way and said that it would be unfair to consider that the Non-Self-Governing Territories had become less important because there were so few of them. Owing to the important changes taking place in the world in recent years, the Special Committee on decolonization should find ways to further improve its work. Nevertheless, the Special Committee's main objectives should remain essentially the same: promoting the decolonization process until its total completion, expanding the political and economic basis of the Non-Self-Governing Territories in order to prepare them to fully and freely exercise their right to self-determination, including the option of independence, and gathering and disseminating updated information about the Territories.

30. His delegation once again stressed the importance of ensuring an adequate economic structure for the Non-Self-Governing Territories, on which they could fully exercise their right to self-determination in accordance with General Assembly resolution 1514 (XV) and the Charter of the United Nations. In planning any economic activity to take place in those Territories, it was necessary to take into account the needs and interests of their peoples and ensure that such activities were not detrimental to their environment or cultural heritage.

31. Referring to the question of the continued presence of military installations in Non-Self-Governing Territories, he pointed out that the very existence of such bases constituted a major obstacle to the implementation of the Declaration on the Granting of Independence to Colonial Countries and

Peoples, particularly at the current time, when conditions for peace and cooperation had greatly improved. In that connection, his delegation commended the Government of Canada for closing its base in Bermuda in 1994 and was pleased to learn of the plans of the United Kingdom of Great Britain and Northern Ireland and the United States of America to close their respective air and naval bases in Bermuda during the current year.

32. Brazil welcomed the positive and constructive atmosphere that had prevailed during the first meeting held as part of the All-Inclusive Intra-East Timorese dialogue and considered it useful to continue direct contacts between pro-independence East Timorese and the Indonesian authorities. His delegation was confident that the resolution on the question of Western Sahara would be adopted by consensus at the current session. On the question of the Malvinas Islands, Brazil supported the continuation of the constructive dialogue between the Governments of Argentina and the United Kingdom. His delegation commended the decision by the Government of New Zealand to abide by the wishes of the population of Tokelau in determining its future political status.

33. Mr. HE Yafei (China) said that one of the most important achievements of the United Nations was the independence of a large number of colonial Territories and, particularly, the acceleration of the decolonization process following the adoption in 1960 of the Declaration on the Granting of Independence to Colonial Countries and Peoples. However, the decolonization process was yet to be completed. There were still over a dozen Non-Self-Governing Territories in the world. The Special Committee must therefore make vigorous efforts to accelerate the decolonization process so as to attain the goal of full decolonization by the twenty-first century.

34. China had always held that the peoples of the Non-Self-Governing Territories should determine their political status according to their own will and national interests, and that their rights to economic, social and cultural development should be respected. Every United Nations resolution in that regard should conform to the fundamental interests of the peoples of those Territories irrespective of their geographic location, the size of the Territory, and their population and natural resources. No country had the right to station forces or establish military bases and installations in Non-Self-Governing Territories. All foreign economic and other interests operating in those Territories should fully take into account and respect the interests and wishes of the local people and their economic activities should help to promote the economic and financial viability of those Territories. All administering Powers were obligated to cooperate with the Special Committee to promote the political, economic and social advancement of the Non-Self-Governing Territories so as to create conditions for their exercise of the right to self-determination. The United Nations and its specialized agencies and bodies should pay greater attention to the reasonable desires and demands of the peoples of those Territories, in accordance with the provisions of the Charter and the Declaration, and continue to make unremitting efforts to bring about the final eradication of colonialism.

35. Mr. NÚÑEZ MOSQUERA (Cuba) said that Cuba rejected as unacceptable and discriminatory the argument, which had been put forward earlier and had been brought up again, that in considering the issue of Non-Self-Governing Territories, the size of the Territory and of the population should be taken

into account. The inalienable right to self-determination and independence of Territories under colonial domination - a principle which must be universally respected - was not affected by the size of the Territory, its geographical location, the size of its population, or its natural resources. The United Nations had achieved significant progress in respect of decolonization, but it was important that all sides should recognize the need to continue the struggle to eradicate the remaining manifestations of colonialism.

36. Cuba noted with concern that some foreign circles were pursuing economic and military goals which continued to have an unfavourable influence on the decolonization process and constituted a serious obstacle to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. It was extremely important that the administering Powers should take the necessary administrative measures to ensure the economic stability of the Territories for which they were responsible, and that they should implement practical economic and social development programmes and ensure that the population of those Territories could freely take decisions without being subjected to any pressure.

37. It was intolerable that there should still be attempts to disregard the principle of the right to independence, while United Nations documents spoke of nothing but the right to self-determination. It was also inadmissible that there should be attempts to distort the right to self-determination through the use of formulas and phrases which made it seem that it was possible to talk of self-determination otherwise than in the context of peoples under colonial domination.

38. Certain Powers continued to impede the struggle for the complete eradication of colonialism in all its forms and manifestations. It was essential that clear-cut measures should be taken, including the provision of all necessary information in accordance with Article 73 e of the Charter of the United Nations, to further the effective work of the United Nations in that field.

39. The administering Powers should maintain an open position in respect of cooperation with United Nations visiting missions, to enable them to make an on-the-spot assessment of the situation in each Territory, and of the true wishes and aspirations of their peoples. In cases where information on certain Territories was lacking, visiting missions were a useful and effective means of furthering the decolonization process.

40. Mr. AL-HASSAN (Oman) said that many changes had occurred in the world since the establishment of the United Nations in 1945, the most important of which was that a large number of countries had attained their independence and exercised their right to self-determination. The concepts of international peace and security could not be translated into reality until all forms of colonialism had been wiped out. It was therefore necessary to maintain the Committee on decolonization and not to limit its mandate to island or small territories. Colonialism in its traditional form no longer existed. The changes that had occurred in that or any other form must be reflected in the Committee's work. For example, in view of its wealth of experience in matters of decolonization,

the Committee could be assigned new tasks, additional to its current mandate, which would allow it to deal with emerging problems on a regular basis.

41. It was the duty of the administering Powers to find ways of enabling countries which had not yet exercised their right to self-determination to take decisions regarding their political and economic status. On the basis of the relevant resolutions, those States should identify ways and means of raising the level of living of the peoples of the Territories without discrimination of any kind and with respect for the interests of those peoples. In addition, it was important to receive favourably any measures which the administering Powers adopted to raise the level of living in the Territories under their administration. Where relations between the Committee on decolonization and the administering Powers were concerned, dialogue and joint efforts were the most effective ways of resolving differences and reaching agreement. The participation of States in its work would mark a new stage in cooperation with the Committee on decolonization and would enhance the effectiveness of its activity.

42. Mr. IZQUIERDO (Ecuador), speaking on behalf of the member countries of the Rio Group, said that the United Nations work on decolonization over the 50 years of its existence had been highly productive. There remained, however, peoples and countries which were unable fully to realize that right to self-determination on the basis of the corresponding General Assembly resolutions or to choose their own future freely. The Fourth Committee should take all possible steps to ensure that the decolonization process was completed as soon as possible.

43. The Special Committee on decolonization had made a substantial contribution to the work of the Fourth Committee, but there was still room for it to improve and diversify its work in the light of the changes that had taken place over the previous years, at the same time continuing to carry out its basic functions in accordance with General Assembly resolutions and its own decisions.

44. One of the most effective mechanisms for gathering first-hand information regarding the wishes of the population of Territories within the Committee's purview was the use of visiting missions. In that context the example of New Zealand, which had cooperated most effectively with the Visiting Mission to Tokelau, was to be applauded and other administering Powers should follow its example.

45. With regard to Western Sahara, the international community hoped that the settlement plan would be speedily implemented and that a successful outcome to the work of the Identification Commission would enable the referendum in the Territory to be carried out as planned. As for East Timor, Ecuador welcomed the positive moves made in the talks between Portugal and Indonesia under the aegis of the Secretary-General.

46. With regard to the problems of Latin America he hoped that the recent improvements in the bilateral relations between Argentina and the United Kingdom would make it possible to find a peaceful solution to the question of sovereignty over the Malvinas, South Georgia and the South Sandwich Islands on the basis of the corresponding General Assembly resolutions.

47. Another issue deserving attention was the existence of military bases and installations in the Non-Self-Governing Territories. Following the cold war, when confrontation had been replaced by peace and cooperation, it was time to make the Non-Self-Governing Territories and the neighbouring regions into areas closed to the testing, siting or storing of nuclear weapons or other weapons of mass destruction.

48. Mr. ALVAREZ (Uruguay) said that the conclusion of the Trusteeship Council's work following the gaining of independence in 1994 of Palau, the last Trust Territory, meant that not only should the Organization's activities on decolonization be restructured, but States that administered "peoples who have not yet attained a full measure of self-government" should take decisive action. Throughout the 50 years' existence of the United Nations, Uruguay had followed a policy of strong support for the principle of self-determination of peoples.

49. In that context several agenda items deserved comment. First, Uruguay called on the parties to the conflict over Western Sahara to put the maximum effort into fully implementing the settlement plan, thereby enabling the referendum on the question of self-determination for the people of that Territory to go ahead at last. To that end Ecuador urgently called on the Secretary-General and his representatives to continue talks so that the identification process could be carried out as quickly as possible in accordance with the original settlement plan. All possible means should be used to bring that work to a conclusion and thus avoid any action that might lead to a United Nations withdrawal from the region or the renewal of armed conflict.

50. With regard to the question of Tokelau, Ecuador welcomed the possibility that the process of defining the Territory's status would be achieved more quickly. In that connection the stance taken by New Zealand, the administering Power, which had permitted the Visiting Mission to carry out its work in Tokelau, was to be warmly applauded, as was the cooperation between the New Zealand authorities and the people of the Territory.

51. With regard to New Caledonia, his delegation wished to support the Special Committee's recommendation that the parties should be offered a framework for implementing an act of self-determination in which all options were open and which would safeguard the rights of all New Caledonians to control their destiny according to the Matignon Accords.

52. As to the Malvinas, his delegation welcomed the understanding that had been reached, aimed at a practical solution of the problem on the basis of resolutions and decisions of the General Assembly and the Special Committee.

53. Mr. LAMAMRA (Algeria) said that on the eve of the United Nations fiftieth anniversary the work of the Fourth Committee gave that occasion special historic significance. The shared loyalty to the ideals, values and principles of the Charter of the United Nations, fundamental to its work, made the Committee the guarantor of the conclusion of the decolonization process by the year 2000. The decisive and untiring efforts of the Fourth Committee and the Special Committee had led to outstanding results in implementing the rights of peoples to control their destiny, as set out in General Assembly resolution 1514 (XV) of 14 December 1960. The history of Algeria's own war of liberation and its

constant devotion to the great mission of enlightenment to end decolonization was a matter of special pride for his country.

54. The question of the people of Western Sahara was naturally analogous. The settlement plan had been drawn up for the sake of their right to self-determination, raising real hopes for the establishment of a stable peace in that region of Africa by means of a free, fair and impartial referendum.

55. Four years, however, had passed since the plan had been agreed, yet its implementation came up against numerous obstacles and difficulties; the identification process in particular was being seriously disrupted. It had been subjected to machinations aimed at changing its character and prejudging its results by resettling the Territory with a significant number of non-indigenous people. Glaring evidence of that dangerous trend was provided by the fact that one of the parties was insisting that the Identification Commission should consider 180,000 applications for inclusion on the electoral roll. The fact was that that figure was three times as great as the number of electors provided for under the settlement plan, which mentioned only the updating of the 1974 census. He queried whether mere "updating", under whatever reporting system, could allow a tripling in electoral numbers.

56. It was a clear attempt to make the United Nations recognize a fundamental alteration to the demographic composition of Western Sahara; efforts to wreck other basic elements of the plan were also being made. Other matters for serious concern were the encroachments on the binding norms of international law, sometimes taking place before the very eyes of MINURSO representatives, and the fact that the tricky question of regulation and control once the referendum had been carried out had not been properly thought through. That was a cause for particular concern, given the open admission that the results would be repudiated in the event of a victory by proponents of independence.

57. Under those circumstances, it was all the more imperative that the people of Western Sahara should be guaranteed their right to self-determination according to terms acceptable both to them and to the international community. The difficulties encountered by MINURSO emphasized that now, more than ever, vigilance on the part of all agencies was needed, as was the establishment between both parties of an atmosphere of trust and effective cooperation which would be impossible to achieve without the renewal of a serious direct dialogue between the Kingdom of Morocco and the Frente POLISARIO with a view to accelerating the implementation of all aspects of the Settlement Plan.

58. Algeria was extremely concerned by events which were impeding the establishment of a just and lasting peace in Western Sahara. It was closely monitoring the increasing impatience of the Security Council provoked by delays in the implementation of the Settlement Plan, and, noting the possibility of the withdrawal of MINURSO referred to in Security Council resolution 1017 (1995) of 22 September 1995, it reaffirmed its belief that the United Nations could not go back on previous commitments, as that would only lead to a political vacuum. In that regard, his delegation urged the members of the Committee to use all their political authority to ensure the full and effective self-determination of the people of Western Sahara.

59. Mr. WALLACE (United States of America) said that the resolutions and decisions of the Special Committee concerning the question of decolonization served as a reminder of the notable successes of the United Nations in promoting opportunities for the transition to complete self-determination of hundreds of millions of people in dozens of Territories throughout the world. On the other hand, to use, at the present time, words such as enslavement, oppression and exploitation in those resolutions, and to include references to the fact that concepts such as the elimination of colonialism were applicable to the Territories, was tantamount to disregarding the enormous political and socio-economic changes that had occurred in those Territories over the past 35 years.

60. The people of a majority of the territories understood that gaining independence was not the only possible method of attaining full self-determination. A wide range of options was becoming available to the people of the Territories which went beyond the options enumerated in General Assembly resolution 1541 (XV) of 15 December 1960. That fact should be recognized in the relevant resolutions and decisions of the Committee.

61. The people of a majority of Non-Self-Governing Territories had made a conscious choice by adopting certain concepts and democratic methods and retained the right to change the status of their Territory at will through the democratic process and in accordance with their specific constitutional procedures. Their choice should be respected and the true situation should also be reflected in the resolutions and decisions of the Committee. That would reduce the list of Non-Self-Governing Territories. In the interests of efficiency, the Committee should consider whether to hear petitioners from those Territories directly and whether it should refrain from operating through the Special Committee which had been set up more than 30 years earlier under very different circumstances.

62. The socio-economic problems of the Non-Self-Governing territories were the same as those faced by small island States. They did not stem from a colonial past or present and could be addressed by the same mechanisms, a fact that should also be reflected in the resolutions of the Committee.

63. The United States recognized that United Nations visiting missions were an effective method of assessing the situation in Non-Self-Governing Territories. It should, however, be clearly stated that visiting missions were not necessary in every, or even most, cases. The United States also recognized that the holding of a referendum or the conduct of some other form of popular consultation on the future status of a Non-Self-Governing Territory was one acceptable means of ascertaining the wishes of the people of those Territories. It believed, however, that it was incongruous to include in the relevant resolution a request that the administering Powers should ascertain, by means of popular consultation, the wishes and aspirations of the people of Non-Self-Governing Territories, since such consultation was not necessary in every case. The United States would support resolutions and decisions that reflected those facts without prejudice to United Nations consideration of those Territories which remained a matter of legitimate concern to the Fourth Committee.

64. Mr. AL-ATTAR (Syrian Arab Republic) said that, during the 50 years of its existence, the United Nations had achieved significant progress in the area of the maintenance of peace and security and the expansion of cooperation between States on the basis of the principles incorporated in the Charter of the United Nations. However a close study of the actual achievements of the Organization during that period revealed that one of the most important and tangible results of its work was the successful realization of the process of decolonization. Since the adoption of General Assembly resolution 1514 (XV) of 14 December 1960, more than 80 colonies and Territories had gained independence and had become Members of the United Nations as sovereign States.

65. Despite those successes, the process of decolonization was not yet complete: there were still Territories which had not attained independence. Those were, for the most part, small island Territories with limited resources and small populations. The people living in those Territories, however, should not be deprived of the right to determine their own future in accordance with the Charter of the United Nations and the provisions of General Assembly resolutions.

66. At its recent session, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples had adopted measures to rationalize its work and change the format of its draft resolutions by including in them appeals to the administering Powers to participate in its work. Without the cooperation of the administering Powers, the Special Committee could not carry out its duties properly. The administering Powers should enable the Special Committee to send visiting missions to the Territories under their administration to gather information, as stipulated in Article 73 of the Charter of the United Nations. In that connection, it was important to mention that, thanks to the cooperation of New Zealand, the administering Power, the people of Tokelau had been able to choose free association with that country and the Special Committee had removed the question of Tokelau from its agenda. It was advisable to give priority to the work of the Special Committee and to extend support to it, either by allocating funds from the United Nations budget, or by increasing the support of Member States. The implementation of the process of reform and the reductions in expenditure and in the number of meetings should not affect the programme of work of the Special Committee. The specialized agencies should also enhance the effectiveness of their programmes of assistance to the non-self-governing Territories to promote their socio-economic development. The widest possible dissemination by the United Nations of information regarding the various possible methods of achieving self-government in accordance with principle IV in the annex to General Assembly resolution 1541 (XV) of 15 December 1960 played an important role in the process of decolonization. His country had been one of the first to join in the work of the Special Committee, since it was convinced that peace and security could be achieved only with the full implementation of the process of decolonization. In the light of the current positive international situation, it was imperative that measures should be taken to ensure that all peoples had the possibility of attaining independence and choosing the form of government that corresponded to their interests and promoted their socio-economic development.

The meeting rose at 1:05 p.m.